



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,907	06/05/2001	Jon A. Weidanz	49890(48340)	3602

21874 7590 03/29/2005

EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
----------

SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

200503

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 12/28/2004 is not fully responsive to the prior Office Action because of the following reasons.

The prior Office Action stated: "Nonelected claims (such as 103, etc) need to have the identifier "withdrawn". Regarding applicants comments, applicant has elected the species "IL-2". Claim 103 recites the nonelected species "IL-10". Therefore, said claim reads on a nonelected species and said claim should indicate "withdrawn". It is irrelevant that said claim may recite another species that has been elected in response to a different species election, because said claim will be withdrawn from consideration if it reads on any nonelected species (the instant species are not present in a Markush group).

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Ron Schwadron, Ph.D.  
Primary Examiner  
Art Unit 1644

*[Handwritten signature]*  
UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMUNICATIONS SECTION  
NOV 16 2004 1644

✓✓